



February 2, 2007

SENATE BILL No. 283

DIGEST OF SB 283 (Updated January 31, 2007 12:24 pm - DI 106)

Citations Affected: IC 35-42.

Synopsis: Battery on household member or pregnant woman. Increases the penalty for battery to a Class D felony for an offense against a family or household member if: (1) the person who committed the offense was at least 18 years of age; and (2) the offense occurred while in the physical presence of a child less than 16 years of age who might be able to see or hear the offense. Increases the penalty for battery to a Class C felony if it results in bodily injury to a pregnant woman and the person knew the woman was pregnant.

Effective: July 1, 2007.

**Lubbers, Steele, Drozda,
Young R Michael**

January 16, 2007, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.
February 1, 2007, amended, reported favorably — Do Pass.

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February 2, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

SENATE BILL No. 283

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 35-42-2-1, AS AMENDED BY P.L.2-2005,
2 SECTION 125, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) A person who knowingly or
4 intentionally touches another person in a rude, insolent, or angry
5 manner commits battery, a Class B misdemeanor. However, the offense
6 is:
7 (1) a Class A misdemeanor if:
8 (A) it results in bodily injury to any other person;
9 (B) it is committed against a law enforcement officer or
10 against a person summoned and directed by the officer while
11 the officer is engaged in the execution of his official duty;
12 (C) it is committed against an employee of a penal facility or
13 a juvenile detention facility (as defined in IC 31-9-2-71) while
14 the employee is engaged in the execution of the employee's
15 official duty;
16 (D) it is committed against a firefighter (as defined in
17 IC 9-18-34-1) while the firefighter is engaged in the execution

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- 1 of the firefighter's official duty; or
 2 (E) it is committed against a community policing volunteer:
 3 (i) while the volunteer is performing the duties described in
 4 IC 35-41-1-4.7; or
 5 (ii) because the person is a community policing volunteer;
 6 (2) a Class D felony if it results in bodily injury to:
 7 (A) a law enforcement officer or a person summoned and
 8 directed by a law enforcement officer while the officer is
 9 engaged in the execution of his official duty;
 10 (B) a person less than fourteen (14) years of age and is
 11 committed by a person at least eighteen (18) years of age;
 12 (C) a person of any age who is mentally or physically disabled
 13 and is committed by a person having the care of the mentally
 14 or physically disabled person, whether the care is assumed
 15 voluntarily or because of a legal obligation;
 16 (D) the other person and the person who commits the battery
 17 was previously convicted of a battery in which the victim was
 18 the other person;
 19 (E) an endangered adult (as defined in IC 12-10-3-2);
 20 (F) an employee of the department of correction while the
 21 employee is engaged in the execution of the employee's
 22 official duty;
 23 (G) an employee of a school corporation while the employee
 24 is engaged in the execution of the employee's official duty;
 25 (H) a correctional professional while the correctional
 26 professional is engaged in the execution of the correctional
 27 professional's official duty;
 28 (I) a person who is a health care provider (as defined in
 29 IC 16-18-2-163) while the health care provider is engaged in
 30 the execution of the health care provider's official duty;
 31 (J) an employee of a penal facility or a juvenile detention
 32 facility (as defined in IC 31-9-2-71) while the employee is
 33 engaged in the execution of the employee's official duty;
 34 (K) a firefighter (as defined in IC 9-18-34-1) while the
 35 firefighter is engaged in the execution of the firefighter's
 36 official duty; or
 37 (L) a community policing volunteer:
 38 (i) while the volunteer is performing the duties described in
 39 IC 35-41-1-4.7; or
 40 (ii) because the person is a community policing volunteer;
 41 **(M) a family or household member (as defined in**
 42 **IC 35-41-1-10.6) if the person who committed the offense:**

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(i) is at least eighteen (18) years of age; and

(ii) committed the offense in the physical presence of a child less than sixteen (16) years of age, knowing that the child was present and might be able to see or hear the offense.

(3) a Class C felony if it results in serious bodily injury to any other person or if it is committed by means of a deadly weapon;

(4) a Class B felony if it results in serious bodily injury to a person less than fourteen (14) years of age and is committed by a person at least eighteen (18) years of age;

(5) a Class A felony if it results in the death of a person less than fourteen (14) years of age and is committed by a person at least eighteen (18) years of age;

(6) a Class C felony if it results in serious bodily injury to an endangered adult (as defined in IC 12-10-3-2); ~~and~~

(7) a Class B felony if it results in the death of an endangered adult (as defined in IC 12-10-3-2); **and**

(8) a Class C felony if it results in bodily injury to a pregnant woman and the person knew the woman was pregnant.

(b) For purposes of this section:

(1) "law enforcement officer" includes an alcoholic beverage enforcement officer; and

(2) "correctional professional" means a:

(A) probation officer;

(B) parole officer;

(C) community corrections worker; or

(D) home detention officer.

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SENATE MOTION

Madam President: I move that Senator Steele be added as coauthor of Senate Bill 283.

LUBBERS

SENATE MOTION

Madam President: I move that Senators Drozda and Young R Michael be added as coauthors of Senate Bill 283.

LUBBERS

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 283, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 42, after "if" insert "**the person who committed the offense**".

Page 3, line 1, delete "the offense occurred while in the physical presence of" and insert "**is at least eighteen (18) years of age; and (ii) committed the offense in the physical presence of a child less than sixteen (16) years of age, knowing that the child was present and might be able to see or hear the offense.**".

Page 3, delete lines 2 through 3.

and when so amended that said bill do pass.

(Reference is to SB 283 as introduced.)

STEELE, Chairperson

Committee Vote: Yeas 9, Nays 0.

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